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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,197	12/31/2003	Moussa Horanieh	I-2-0563.1US	9167
24374	7590	06/02/2005	EXAMINER	
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			AFSHAR, KAMRAN	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/750,197

Applicant(s)

HORANIEH, MOUSSA

Examiner

Kamran Afshar, 571-272-7796

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☐ Claim(s) 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/31/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Zuning (U. S. Pub. No.: 2004/01310081 A1).

With respect to claim 12, Zuning discloses a method for reducing code tree pruning a slotted communication system (See e.g. Abstract, Page 2, Paragraph [0024]) using orthogonal variable spreading factor (OVSF) code trees (See e.g. Page 2, Paragraph [0011], Figs. 1-11B), the method comprising: determining when a user is blocked during call admission control (See e.g. a new call is added and codes are assigned, etc.); and only performing code tree pruning when the user is blocked during call admission control (See e.g. Page 3, Paragraph [0039]).

3. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Magnusson (U.S. Pub. No.: 2003/0099282 A1).

With respect to claim 11, Magnusson discloses a method for radio bearer release in a slotted communication system using orthogonal variable spreading factor (OVSF) code trees (See e.g. Page 2 – Page 3, Paragraph [0021]), the method comprising: a radio bearer is released and resource units of the radio bearer are released in timeslots used by the radio bearer (See e.g. Page 5, Paragraph [0062]); and pruning a OVSF code tree (See e.g. Figs. 8-10) of each timeslot having released resource units only within that timeslot (See e.g. messages, Page 5, Paragraphs [0063]-[0064]).

***Allowable Subject Matter***

4. Claims 1-10 are allowed.

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The following is an examiner's statement of reasons for allowance: 1-10.

With respect to claims 1, 4, 7, Kim et al. (U.S. Patent 6, 552, 996 B2) is the closest prior art to the application invention, which discloses orthogonal variable spreading factor system and method (See e.g. Title, Abstract).

The second closest prior art is Zuning (U. S. Pub. No.: 2004/01310081 A1), which discloses The invention includes a system and methods for orthogonal variable spreading factor (OVSF) code assignment, de-allocation and code tree pruning. However, Zuning does not teach a Figure of Merit for each time slot is determined using the determined interference level, the amount of available resources and the code fragmentation in the OVSF tree for each candidate timeslot; and the resources are assigned from the candidate timeslot having a best Figure of Merit.

With respect to claim 10, the prior art of record fails to disclose or render obvious that the method subtracting the optimum number of blocked codes from the actual number of the blocked codes as an indicator of the amount of OVSF code fragmentation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Lu (U.S. Pub. No.: 2004/0162081 A1), which discloses a method for call admission control in a fast dynamic channel allocation wireless communication system begins by requesting that a call be admitted.

b) Harris (U.S. Patent 6, 400, 755 B1), which discloses Data transmission within a spread-spectrum communication system.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

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If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Emmanuel Moise** can be reached @ (571) 272-3865. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Kamran Afshar**

  
**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**